IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5472 of 2005

Between:

K.B.S.R.N. Reddy E 270993, Conductor,

Gooty Depot, Anantapur District

..... PETITIONER

AND

1 The General Manager, APSRTC Musheerabad, Hyderabad
2 The Regional Manager, APSRTC R.F. Road, Anantapur
3 The Depot Manager, APSRTC., R.F. Road Anantapur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to continue the implementation of the order dated 29-9-2004 wide proceedings #P2/813(18)/2004-RM-A by suspending the order dated 22-2-2005 wide proceedings # P2/813(2)/95/2005-RM-A and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MRS.SHANTHI NEELAM

Counsel for the Respondents: MR.P.VINAYAKA SWAMY, Standing Counsel for APSRTC.

The Court made the following :

ORDER:

Seeking a direction to the respondents to continue the implementation of the order dated 29-9-2004 vide proceedings No.P2/813(18)2004-RM-A by suspending the order dated 22-2-2005 vide proceedings, No.P2/813(2)95/2005-RM-A, the present writ petition is filed.

The petitioner has been working as a Conductor for 15 years and was transferred from Gooty to Anantapur depot on his own request on 29-9-2004. Again, the 2nd respondent passed the order impugned dt.22-2-2005 transferring him from Anantapur to Gooty Depot, his parent depot.

Learned counsel for the petitioner contended that within a gap of four months, the 2nd respondent acted illegally by transferring the petitioner from Anantapur to Gooty. He further contended that the said transfer is not on administrative grounds and hence the order suffers from infirmity.

Respondents 1 to 3 opposed the same on the ground that the transfer is incidence of service, and therefore, it does not suffer from any legal infirmities.

The subject of the proceedings impugned is that 'relieving of employee to parent depot working on temporary basis'. Therefore, the writ petitioner, who is working in the unit of Anantapur depot, was directed to be relieved to the parent unit. Admittedly, the parent unit of the petitioner is Gooty depot. Therefore, the petitioner has no right to challenge the said transfer order. The transfer is neither vitiated by mala fides nor it is made by way of punishment.

Therefore, the writ petition is devoid of merits and accordingly, it is dismissed.

No costs.

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17-03-2004

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To:

1 The General Manager, APSRTC Musheerabad, Hyderabad
2 The Regional Manager, APSRTC R.F. Road, Anantapur
3 The Depot Manager, APSRTC., R.F. Road Anantapur

4 Two CD copies.